



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,501	01/26/2001	Gil Winters	07245.105001	6232
20786	7590	06/30/2004	EXAMINER	
KING & SPALDING LLP 191 PEACHTREE STREET, N.E. ATLANTA, GA 30303-1763			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,501

Applicant(s)

WINTERS, GIL

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3622

DETAILED ACTION

1. Claims 1-22 have been examined. Application 09/771,501 (SYSTEM AND METHOD FOR UTILIZING A FULLY-INTEGRATED, ON-LINE DIGITAL COLLECTIBLE AWARD REDEMPTION AND INSTANT WIN PROGRAM) has a filing date 01/26/2001 and Claims Priority from Provisional Application 60/178,149 (01/26/2000).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 8-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al U.S. 6,119,229).

As per claim 1, Martinez teaches:

A method for providing an on-line digital collectibles redemption system, comprising:

attracting users to an first on-line location that provides information which appeals to the personal interests of the users (see column 5, lines 15-55; fig 2);

in response to the selection of a link at the first said on-line location, transporting said users to a second on-line location for the distribution of digital collectibles (see column 5, line 59 – column 6, line 28);

Art Unit: 3622

in response to the selection of a link at the second said on-line location, transporting said users to a third on-line location that provides on-line commercial transaction opportunities for said users (see column 6, lines 29-31);

in response to said users' completion of on-line commercial transactions at the third said on-line location, rewarding said users with digital collectibles and allowing said users to redeem said digital collectibles for value (see column 6, lines 32-36; column 25, lines 31-65).

As per claim 2, Martinez teaches:

The method of claim 1, wherein the on-line digital collectible location further allows users to engage in at least one of the activities of trading or auctioning digital collectibles (see column 10, line 64 – column 11, line 7; column 15, lines 30-40).

As per claim 3, Martinez teaches:

The method of claim 1, wherein the on-line digital collectible location further allows users to engage in games involving digital collectibles (see column 10, lines 59-67).

As per claim 4, Martinez teaches:

The method of claim 3, wherein said games further comprise at least one of instant-wins games, sweepstakes games or lottery games (see column 15, lines 18-29).

As per claim 5, Martinez teaches:

The method of claim 1, wherein the on-line digital collectible location further comprises a location that allows users to interact with digital collectibles (see column 11, lines 1-45).

As per claim 8, Martinez teaches:

The method of claim 1, wherein said on-line commercial transaction opportunities comprise the on-line purchase of goods and services (see column 5, line 59 – column 6, line 36).

As per claim 9, Martinez teaches:

The method of claim 1, wherein said on-line commercial transaction opportunities comprise the participation by users in desirable consumer behavior comprising at least one of recruiting other users for participation in the distribution of digital collectibles, completing on-line surveys, registering for on-line memberships or registering for on-line subscriptions (see column 15, lines 1-12).

As per claim 10, Martinez teaches:

The method of claim 1, wherein said redemption of digital collectibles comprises at least one of the activities of redeeming digital collectibles for merchandise, for services, for monetary value or for additional digital collectibles (see column 25, lines 31-64).

As per claim 11, Martinez teaches:

A fully-integrated, on-line digital collectible redemption system, comprising:

an first on-line location that provides information that appeals to the interests of on-line users (see column 5, lines 15-55);

a second on-line location for the distribution and redemption of digital collectibles to users that have visited the first said on-line location (see column 5, line 59 – column 6, line 28);; and

a third on-line location that provides on-line commercial transaction opportunities that, when said on-line transaction opportunities are completed, result in a reward of digital collectibles by the second said on-line location (see column 6, lines 29-31; column 25, lines 33-65).

As per claim 12, Martinez teaches:

An on-line digital collectibles award and redemption system comprising:

a first user accessible on-line location, for providing information and intellectual content relating to specific user interests (see column 11, lines 1-15);

a second on-line location, for supporting user engagement in award activities and for award redemptions (see column 16-20);

a third on-line location, for offering goods and services and providing the user with an opportunity to acquire a plurality of collectible awards as a result of completing requisite commercial transactions (see column 11, lines 45-56);

a first user selectable link provided at said first on-line location, the activation of said link providing the user with one of said collectible awards relating to said interests and transferring said user to said second on-line location (see column 11, lines 56-67);

a second user selectable link provided at said second on-line location, wherein the activation of said second user selectable link transfers said user to said third on-line location at which said collectible awards will be made available to said user (see column 11, lines 45-67); and

a linkage at said third on-line location allowing the user to return to said second on-line location (see column 11, lines 29-45).

As per claim 13, Martinez teaches:

The system of claim 12 wherein user access to said first, second and third on-line locations is provided by one of a personal computer, a cell phone, a set-top cable box and a personal digital assistant (PDA) (see column 15, lines 40-54).

As per claim 14, Martinez teaches:

The system of claim 12 wherein said first on-line location comprises one of a plurality of single or multi-interest locations serving users with hobby, collecting or intellectual interests (see column 15, lines 1-12).

As per claim 15, Martinez teaches:

The system of claim 12 wherein said third on-line location comprises a general purveyor of said goods and services, such as one of a department store, a discount store, a book seller and an appliance seller (see column 26, lines 21-41).

As per claim 16, Martinez teaches:

The system of claim 12 wherein each of said collectible awards comprises a "Limited Edition Digital Object" (LEDO) (see column 8, lines 11-47).

As per claim 17, Martinez teaches:

The system of claim 16 wherein said LEDO comprises at least one of a marketing premium, a game piece for participating in an on-line game, a redemption point which can be redeemed for value, a game piece in an instant-win game and a source of information and intellectual property relating to user hobbies and interests (see column 10, lines 59-67).

As per claim 18, Martinez teaches;

The system of claim 17 wherein said second on-line location comprises one of a creator of said LEDOs, a provider of said LEDOs, a maintainer of said LEDOs, an enhancer of the value of said LEDOs and a site for participation in activities utilizing said LEDOs (see column 11, lines 28-45).

As per claim 19, Martinez teaches:

The system of claim 18 wherein said second on-line location allows the user to interact with other users having said LEDOs (see column 10, line 59 – column 11, line 7).

As per claim 20, Martinez teaches:

The system of claim 17 wherein said second on-line location provides the user with information concerning other on-line sites related to the user's interests and offering additional LEDO award opportunities (see column 26, lines 21-41).

As per claim 21, Martinez teaches:

The system of claim 12 wherein an operator of said first on-line location is recompensed by an operator of said third on-line location as a result of successful commercial activities carried out at said third on-line location by the user (see column 13, lines 18-37).

As per claim 22, Martinez teaches:

A LEDO award distribution and redemption site for an on-line digital collectibles award and redemption system, comprising:

an on-line site for distributing LEDOs to site users as awards for participation in certain activities at linked sites offering goods and services or special interest content (see column 8, line 13 – column 9, line 55);

means for providing the site users with information about said linked sites at which additional LEDOs can be won or redeemed by the site users (see column 8, line 13 – column 9, line 55); and

means for maintaining and enhancing LEDOs so as to improve their value as collectibles (see column 8, line 13 – column 9, line 55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (U.S. 6,119,229) in view of Torrey (U.S. 6,457,005).

As per claim 6, Martinez teaches the method of claim 1, but fails to teach further comprising the step of allowing for the compensation of: entities recruit users for participation in the distribution of digital collectibles. Torrey teaches a referral management system, which describes the opportunities and the terms under which referral fees will be paid to parties that refer resources for consideration. In the Torrey system, the referral fees are automatically allocated among hierarchy of parties (see abstract; column 9, lines 40-50). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the application was made, to know that Martinez would grant referral commissions to entities who recruit users for participation in the distributions of digital collectibles, as taught by Torrey. The referral fees would be the incentive use by the Martinez's system to bring more people to participate in his system.

As per claim 7, Martinez teach the method of claim 6, but fails to teach further comprising the step of allowing for the multi-level compensation of entities that recruit users for participation in the distribution of digital collectibles. The same rejection applied to claim 6 is applied to claim 7.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
June 22, 2004



ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600